

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:13-cr-00051-RLY-MPB
)	3:14-cr-00041-RLY-MPB
DANNY LEE BEAVIN,)	-01
)	
Defendant.)	

REPORT AND RECOMMENDATION

On October 25, 2019, the Court held an Initial Appearance on a Warrant for Violation of Supervised Release. On November 4, 2019, the Court held the Final Hearing on Revocation of Supervised Release. Defendant Beavin appeared in person with his appointed counsel Jonathan Chance. The government appeared by Todd Shellenbarger, Assistant United States Attorney. The United States Probation and Parole Office was represented by Officer Andrea Hillgoth.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Beavin of his rights and provided him with a copy of the petition. Defendant Beavin waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Beavin admitted violations 1, 2, and 3 ([Docket No. 59](#) and [Docket No. 21](#)).
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

	Violation Number	Nature of Noncompliance
	1	<p>"The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician."</p> <p>On September 10, 2019, Danny Beavin tested positive for anabolic steroids, confirmed by Redwood Toxicology Laboratory. He does not have a valid prescription.</p> <p>As previously reported to the Court, on August 6, 2018, Danny Beavin tested positive for anabolic steroids without a valid prescription.</p>
	2	<p>"The defendant shall not commit another federal, state, or local crime."</p> <p>As previously reported to the Court, on June 22, 2019, Danny Beavin was arrested and charged with Domestic Battery Committed in the Presence of a Child Less Than 16 Years Old, Felony. This case is currently pending and set for trial on January 9, 2020.</p>
	3	<p>"The defendant must pay the total criminal monetary penalties under the schedule of payments. Payment to begin immediately."</p> <p>Danny Beavin has failed to comply with his restitution payment plan.</p>

4. With respect to violation 2, the Defendant admitted only the fact of his arrest, without making any plea or incriminating statement as to the crime charged in state court which forms the basis of the violation.

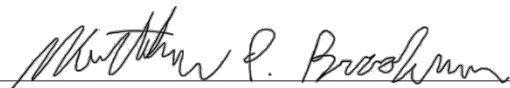
5. The Court finds that:

- (a) The highest grade of violation is a Grade A violation.
- (b) Defendant's criminal history category is I.
- (c) The advisory range of imprisonment applicable upon revocation of supervised release, therefore, is 12-18 months' imprisonment.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he be sentenced to custody of the Attorney General or his designee for a period of eight (8) months with no further supervision to follow.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: November 4, 2019



Matthew P. Brookman
United States Magistrate Judge
Southern District of Indiana

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